Remarks/Arguments:

In response to the Final Office Action, the applicant offers the following remarks. Claims 1-3 and 5-45 are pending (claim 4 was previously canceled). Independent claim 1 has been substantively amended. Claims 2, 3, 5, 6, 14, 20, 29, 30, 33, 34, and 40 have been amended only to correct typographical errors and provide consistent grammar; they do not include any substantive changes. One new dependent claim (43) and two new independent claims (44 and 45) have been added.

The Office Action rejected independent claim 1 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0189471 filed on behalf of Ciarcia, Jr. et al. Each of the previously pending dependent claims (2, 3, and 5-42) was rejected under Section 103(a) based upon either the Ciarcia reference (the principal reference) alone or a combination of the principal reference with one or more secondary references.

A. Claim 1 Recites Patentable Subject Matter

As amended, claim 1 recites:

> A first RFID reader for use in a security network in a building having an RFID transponder physically connected to or incorporating a sensor, the first RFID reader comprising:
>
> a first antenna for wirelessly communicating with, by sending transmissions to and receiving a wireless signal which indicates a status of the sensor from, the RFID transponder; and
>
> a processor coupled to the antenna and configured to receive the wireless signal, decode the sensor status from the wireless signal, and communicate the sensor status to a control function.

(Emphasis added.) The first highlighted limitation above recites an RFID transponder that either is physically connected to the sensor or has the sensor incorporated in the RFID transponder. Support for this limitation is found in the specification, for example, at page 14, Paragraph 0146; page 18, Paragraphs 0177, 0180, and 0181; page 19, Paragraph 0184; and page 27, Paragraph 0223 of U.S. Patent Application Publication No. 2004/0212493 (which corresponds to the subject application).

The second highlighted limitation of claim 1 recites two-way wireless communications between the RFID reader and the RFID transponder. Support for this limitation is found throughout the specification. *See, e.g.*, '493 Publication at FIG. 1 (illustrating wireless communications 420 from the RFID reader 200 to the RFID transponder 100 and wireless response communications 421 from the RFID transponder 100 to the RFID reader 200) and at page 5, Paragraphs 0071 and 00074; page 11, Paragraph 0126; page 12, Paragraphs 0134 and 0136; page 13, Paragraph 0139; page 15, Paragraph 0157; page 16, Paragraph 0165; page 17, Paragraph 0169; page 20, Paragraph 0186; and page 21, Paragraph 0193.

Two of the non-obvious differences between the invention recited in claim 1 and the Ciarcia reference have been highlighted above. Ciarcia does not disclose or suggest either (1) an RFID transponder physically connected to or incorporating the sensor, or (2) any component of the first reader that wirelessly communicates with, by sending transmissions to and receiving a wireless signal which indicates a status of the sensor from, the RFID transponder. Instead, Ciarcia recognizes "a need for a monitoring system that keeps track of individuals throughout a facility" and teaches a method and system for monitoring the movement and location of such individuals within the facility. Ciarcia Reference at page 1, Paragraphs 0002, 0006.

As illustrated in Figure 1 and described in the specification, the monitoring system 100 taught by Ciarcia has three components. A monitoring tag 102 is placed on and moves with the individual or item to be monitored. The tag continuously emits an identifier signal with a specific radio frequency and broadcasts an alert signal when a problem is detected. A network of monitoring devices and sensors 104, the second component, receives the signals from the tag and relays the signals to the third component, namely, a monitoring station server 106.

Thus, the moving tag of the Ciarcia system is not physically connected to any other component of the system and does not incorporate any other component of the system. Nor could the tag have such a structural relationship with another component of the system. The tag must move with the individual or item monitored by the system.

Moreover, there is only one-way communication from the monitoring tag to the sensor network after initialization. U.S. Patent No. 5,543,780 at column 4, lines 63-67, which the Ciarcia reference incorporates by reference, states: "When tag 20 is first attached to the wearer (or at any other time when calibration of the tag is desired), the remote unit 22 is caused (by e.g., attendant personnel) to generate and transmit to the tag 20 a radio frequency initialization command 31." At no time does any component of the Ciarcia system

receive a wireless signal, which indicates the status of the sensor, from the tag. In fact, Ciarcia would have no motivation to provide two-way communication in his tags because the provision of two-way communication capability would increase the cost of the mobile tags. The system of Ciarcia needs many such tags to include all people or items monitored by the system.

"Most development and applications for RFID technology have been targeted at moveable items--things, people, animals, vehicles, merchandise, etc. that must be tracked or counted. . . . In each of the applications, the low-cost RFID transponder or tag is affixed to the moveable object . . . ." '493 Publication at page 2, Paragraph 0016. This is precisely the application to which the Ciarcia disclosure is directed. An object of the applicant's claimed invention is to provide a "lower cost" security system. *See, e.g.*, '493 Publication at page 2, Paragraph 0018. Another object is to provide "a security system with reliability exceeding that of existing wireless security systems." *Id.* at Paragraph 0020. The two, highlighted limitations of the invention recited in claim 1 help to achieve those objects in the context of fixed rather than moveable subjects: "No one has previously considered the novel application of low cost RFID components to solve the problem of monitoring fixed assets such as the windows 702, doors 701, and other sensors that comprise the openings of buildings." '493 Publication at page 13, Paragraph 0137.

The advantages of the subject matter of claim 1 are not attained or suggested by the Ciarcia reference. This is because claim 1 contains at least two features (highlighted above) not taught or suggested by the applied reference. As explained by Judge Rich in *In re Civitello*, 144 USPQ 10, 12 (CCPA 1964), when a claimed feature is not disclosed by the reference, the reference cannot render the claim obvious:

> Since Haslacher fails to disclose the feature of the claim relied on, we do not agree with the patent office that it would suggest modifying the Craig bag to contain the feature. The Patent Office finds the suggestion, only after making a modification which is not suggested, as we see it, by anything other than appellant's own disclosure. This is hindsight reconstruction. It does not establish obviousness. (Emphasis in original.)

Thus, the applicant does not agree with the Examiner that the Ciarcia reference supports a prima facie case of obviousness.

In fact, the totality of the Ciarcia disclosure teaches away from the claimed invention. The teaching is to be viewed as it would have been viewed by one of ordinary skill in the art. When so viewed, the Ciarcia reference teaches away from a reader (1) of a security network in which an RFID transponder physically connects to or incorporates a sensor, or (2) that wirelessly communicates with, by sending transmissions to and receiving

a wireless signal which indicates a status of the sensor from, the RFID transponder. The applicant has proceeded contrary to the teaching of Ciarcia.

B. New Claims 43-45

Specifically, Ciarcia discloses a system in which the tag or transponder moves relative to the sensor. The moving environment of the system disclosed in the Ciarcia reference cannot parallel the environment of the fixed structure to be monitored using the clamed device. New, dependent claim 43 highlights this environment, requiring that the RFID transponder and the first RFID reader be positioned in a fixed, static relationship. Support for the "fixed relationship" limitation recited in claim 43 is found at page 11, Paragraph 0131; page 13, Paragraphs 0137 and 0140; and page 17, Paragraph 0167 of the '493 Publication.

New, independent claims 44 and 45 have been added to secure enhanced protection for the applicant's invention. These claims combine limitations recited in claim 1, as amended, and in one or more of the claims that depend from claim 1. Therefore, the subject matter recited in claims 44 and 45 is fully supported by the specification. No new matter has been introduced.

C. Dependent Claims 2, 3, and 5-42

Because claims 2, 3, and 5-42 depend from a patentable claim, they are also patentable. *See, e.g., In re McCarn*, 101 USPQ 411, 413 (CCPA 1954) ("sound law" requires allowance of dependent claims when their antecedent claims are allowed). Moreover, claims 2, 3, and 5-42 are non-obvious in view of the applied references.

D. Related Applications

The applicant wishes to bring to the attention of the Examiner the following four related patent applications, each of which was filed by the applicant after the filing date of the subject application. (1) U.S. Patent Application Ser. No. 10/795,368, Multi-Controller Security Network, was filed on March 9, 2004, as a continuation-in-part of the subject patent application. (2) U.S. Patent Application Ser. No. 10/806,371, Communications Architecture for a Security Network, was filed on March 23, 2004, as a continuation of the '368 Application. (3) U.S. Patent Application Ser. No. 10/820,804, Configuration Program for a Security System, was filed on April 9, 2004, as a continuation-in-part of the '368 Application. (4) U.S. Patent Application Ser. No. 10/821,938, Cordless Telephone System, was filed on April 12, 2004, as a continuation-in-part of the '368 Application.

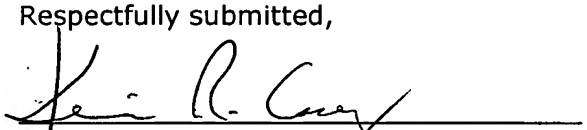
E. Conclusion

By this Response, pending claims 1-3, 5, 6, 14, 20, 29, 30, 33, 34, and 40 have been amended and new claims 43-45 have been added to place the application in better condition for examination and allowance. The applicant has also amended the specification to further prosecution of the subject application without introducing new matter. Entry of this Response is requested.

For all of the foregoing reasons, amended claim 1 is in condition for allowance. The subject matter recited in claim 1 would not have been obvious to a person of ordinary skill in the art at the time of the invention in view of the applied reference. Nor would the subject matter recited in claims 2, 3, and 5-45 have been obvious in view of the applied references.

The rejections under 35 U.S.C. § 103(a) should be withdrawn. Favorable action is earnestly solicited. Finally, the Examiner is invited to call the applicant's undersigned representative if any further action will expedite the prosecution of the application or if the Examiner has any suggestions or questions concerning the application or the present Response. In fact, if the claims of the application are not believed to be in full condition for allowance, for any reason, the applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP § 707.07(j) or in making constructive suggestions pursuant to MPEP § 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,



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Linda M. Keller